

### REMARKS

The above amendments and following remarks are submitted under 37 C.F.R. 1.116 in response to the Final Official Action of the Examiner mailed January 2, 2002. Having addressed all objections and grounds of rejection, claims 1-20, being all the pending claims, are now deemed in condition for allowance. Entry of this amendment and reconsideration to that end is respectfully requested.

The Examiner has issued a final official action, notwithstanding her newly presented rejection of all pending claims on a previously uncited reference, U.S. Patent No. 4,956,769, issued to Smith (hereinafter referred to as "Smith"). She supports her position by stating at page 12, paragraph 26:

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

It is Applicants' position that the scope of the pending claims has not changed as a result of these amendments, and therefore the finality of this rejection is premature. Nevertheless, Applicants herewith respond under 37 C.F.R. 1.116 within the two month priority period.

The Examiner has objected to Fig. 6 of the drawings. A modified drawing is herewith presented for her examination. A

full set of new formal drawings are also provided for inspection by the Chief Draftsperson.

Claim 16 was rejected under 35 USC 112, second paragraph, as being indefinite. The above amendment to claim 16 is deemed completely responsive to this rejection.

The Examiner has made a provisional double patenting rejection of claims 1, 6, 11, and 16 under the judicially-created doctrine of obviousness-type double patenting. However, because none of the subject claims have been allowed, the Examiner has correctly noted that this rejection is provisional and can be treated at a later date. The undersigned is amenable to submitting a terminal disclaimer upon allowance of all pending claims.

The Examiner has rejected claims 1-4, 6-14, and 16-20 under 35 USC 102(b) as being anticipated by newly cited Smith. In response thereto, Applicant has amended claims 1, 6, 11, and 16 to more clearly and precisely define that all pending claims are limited to apparatus and methods for granting access to only portions of the data base and prohibiting access to the remainder of the data base without regard to the function to be performed upon that portion of the data base. This limitation has been argued from the outset of this prosecution. However, the Examiner states at page 11, paragraph 23:

**In response** to Applicant's arguments, this feature "limits access to specific data without regard to the

actual operation to be performed" does not appear to be in the claim.

Thus, the Examiner has implicitly determined that these amendments are required to connote the scope of the claims deemed by Applicants as their invention in the claims as originally presented.

Like Cool ICE Revision 1.0 as previously discussed, Smith does not grant access to certain data and prevent access to other data based upon user-id without regard to the function(s) to be performed upon the requested data as is limiting of Applicants' claimed invention. Instead, the data to be accessed in Smith is defined by the Administrator for all permitted user-ids.

Recognizing this feature, the Examiner concurs stating at page 11, paragraph 23:

Smith who shows access to specific tables in a database which may be defined by the administrator.

Therefore, which portions of the data base to be accessed in Smith are determined by the Administrator rather than the user-id. The user-id is irrelevant as to "which" data can be accessed but only serves to indicate whether a particular user can access any data at all.

Similarly, like Cool ICE Revision 1.0, Smith utilizes the user-id to enable access by function. In the case of Smith, certain user-ids can perform a single input/output function on the Administrator determined portion of the data base. Smith

does not address data access for any other functions. Therefore, it is asserted that claims 1-4, 6-14, and 16-20 are patentable over the prior art of record, including the newly cited Smith reference.

Claims 5 and 15 have been found allowable but stand under objection as depending from rejected claims. In response thereto, claims 5 and 15 have been amended to render them independent and include all of the limitations of the claims from which they had previously depended.


Having thus responded to each objection and ground of rejection, Applicants respectfully request entry of this amendment and allowance of claims 1-20, being the only pending claims.

Respectfully submitted,

Niels Gebauer, et al

By their attorney,

Date March 2, 2002

  
John L. Rooney  
Reg. No. 28,898  
Suite 401  
Broadway Place East  
3433 Broadway Street N.E.  
Minneapolis, Minnesota  
55413  
(612) 331-1464